

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Bryan Dryden,

Petitioner

v.

Calvin Johnson, et al.,

Respondents

Case No. 2:17-cv-00704-JAD-NJK

**Order Denying Motion for Order Directing
the Lower Courts to Enter DNA into
CODIS**

[ECF Nos. 75]

On March 23, 2022, I denied Petitioner Bryan Dryden’s petition for writ of habeas corpus under 28 U.S.C. § 2254.¹ Dryden appealed, and the Ninth Circuit Court of Appeals denied Dryden a certificate of appealability on October 27, 2022.² The Ninth Circuit Court of Appeals then granted Dryden’s counsel’s motion to withdraw.³

Dryden has since filed a motion requesting an order directing the state courts to enter unidentified DNA into CODIS for identification purposes.⁴ But a federal district court does not have appellate jurisdiction over a state court or state supreme court, whether by direct appeal, writ of mandamus, writ of prohibition, an exercise of supervisory jurisdiction, or otherwise.⁵ Generally, the *Rooker-Feldman* doctrine prevents “a party losing in state court . . . from seeking what in substance would be appellate review of the state judgment in a United States district court.”⁶ Plus, Dryden has already received federal habeas review of his

¹ ECF No. 63.

² ECF No. 68.

³ ECF No. 69.

⁴ ECF No. 75.

⁵ See, e.g., *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *D.C. Court of Appeals v. Feldman*, 460 U.S. 462, 482–86 (1983); *Bianchi v. Rylaarsdam*, 334 F.3d 895, 898 (9th Cir. 2003).


⁶ *Henrichs v. Valley View Dev.*, 474 F.3d 609, 611 (9th Cir. 2009) (citation omitted).

1 conviction. To receive further collateral review, he must secure permission from the Ninth
2 Circuit to file a second or successive § 2254 habeas petition.⁷

3 IT IS THEREFORE ORDERED that the motion to appeal **[ECF No. 75] IS DENIED.**

4 IT IS FURTHER ORDERED that, to the extent required, a certificate of appealability is
5 denied.

6 Dated: May 25, 2023

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8 U.S. District Judge Jennifer A. Dorsey
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23 ⁷ See *Brown v. Muniz*, 889 F.3d 661, 667 (9th Cir. 2018) (under § 2244(b)(3), federal district courts lack jurisdiction to entertain a petitioner's successive habeas petition absent permission from the court of appeals to do so).